

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05mj241**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
STEWART HUNNICUTT, JR.)	
_____)	

THIS MATTER is before the court in accordance with 28, United States Code, Section 636(c), and upon the Motion to Dismiss filed by the United States of America. In such motion, the government requests that such charge be dismissed without prejudice, but does not reflect consultation with opposing counsel. In light of the evidentiary decision previously entered, such motion seeking leave to dismiss without prejudice will be denied.

ORDER

IT IS, THEREFORE, ORDERED that the government's Motion to Dismiss is **DENIED** without prejudice.

Signed: February 16, 2006



Dennis L. Howell
United States Magistrate Judge

